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PAGE 1/68 \* RCVD AT 8/23/2004 2:11:33 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-3/26 \* DNIS:2731795 \* CSID: \* DURATION (mm-ss):18-16

The dating stamp of the USPTO on this card will be taken as an indication that the accompanying paper(s) was filed.

Applicant(s): Keeth, et al.  
Filing Date: 6 July 2001  
Serial No.: 09/899,977  
Check: n/a  
Atty. Docket No.: DB000575-015

JUN 24 2002



- \* Transmittal Ltr (x2)
- \* Response to Notice of Non-Compliant Amendment;
- \* Third Preliminary Amendment with a clean copy of the pending claims;
- \* copy of the Second Preliminary Amendment filed on 1 October 2001;
- \* copy of the Preliminary Amendment filed on 6 July 2001;
- \* a copy of the Preliminary Amendment filed in S.N. 08/916,692 filed 20 July 2000;
- \* copy of the return post card for the initial filing of the instant application; and
- \* copy of the Utility Patent Application Transmittal (PTO/SB/05).

ELP: RJC: ah

4 JUNE 2002

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is being deposited in the United States  
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envelope addressed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

  
Attorney for Applicant

Date: 4 June 2002

**PATENT**  
Attorney Docket No.: DB000575-015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant(s):</b>	Keeth, et al.	)	
		)	
<b>Serial No.:</b>	09/899,977	)	<b>Examiner:</b> Tran, M.
		)	
<b>Filed:</b>	6 July 2001	)	<b>Art Unit:</b> 2818
		)	
<b>Entitled:</b>	256 MEG DYNAMIC RANDOM ACCESS MEMORY		

**TRANSMITTAL FOR RESPONSE TO NOTICE  
OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
United States Patent and Trademark Office  
Washington DC 20231

Dear Sir:

Enclosed for filing in the above-captioned application, please find the following:

1. a Response to Notice of Non-Compliant Amendment;
2. a Third Preliminary Amendment with a clean copy of the pending claims;
3. a copy of the Second Preliminary Amendment filed on 1 October 2001;
4. a copy of the Preliminary Amendment filed on 6 July 2001;
5. a copy of the Preliminary Amendment filed in U.S. Application Serial No. 08/916,692 filed 20 July 2000;
6. a copy of the return post card for the initial filing of the instant application; and
7. a copy of the Utility Patent Application Transmittal (PTO/SB/05).

Also enclosed is a return receipt postcard. Please date stamp and mail the postcard in order to acknowledge receipt of the above-reference correspondence.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to our Deposit Account No. 20-0888. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,



Edward L. Pencoske

Reg. No. 29,688

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Dated: 4 June 2002

Attorneys for Applicants

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Assistant Commissioner for Patents  
Washington, D.C. 20231

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Keeth, et al.	)	
		)	Examiner: Tran, M.
Serial No.:	09/899,977	)	
		)	Art Unit: 2818
Filed:	6 July 2001	)	
Entitled:	256 MEG DYNAMIC RANDOM ACCESS MEMORY		

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

In response to the Notice of Non-Compliant Amendment mailed 23 May 2002 Applicant re-submits the preliminary amendment filed on 6 July 2001 and the second preliminary amendment filed on 1 October 2001.

This application is a continuation of U. S. application Serial No. 09/621,012 filed July 20, 2000 (the "parent application", issued as U.S. Pat. No. 6,324,088), which is a divisional application of U.S. Application Serial No. 08/916,692 filed August 22, 1997 (the "grandparent application", issued as U.S. Pat. No. 6,314,011). The grandparent application contained claims 1 - 80. The parent application was filed with a preliminary amendment which added claims 81 - 166.

It is respectfully submitted that the parent application's preliminary amendment was submitted at the time the instant application was filed. Enclosed please find a copy of the return post card for the initial filing of the instant application. The return post card individually lists the "copy of Preliminary Amendment from parent case" as one of the papers being filed. The return post card bears the USPTO date stamp of 6 July 2001. As per MPEP § 503, the return post card in the instant case is submitted as prima facie evidence that the USPTO received the "copy of Preliminary Amendment from parent case." Additionally, item 17 of the Utility Patent Application Transmittal (PTO/SB/05) (copy enclosed) lists, and is being offered as additional evidence, that the "copy of Preliminary Amendment from parent case" was submitted with instant application.

Thus, it is respectfully that prima facie evidence exists that the "copy of Preliminary Amendment from parent case" was submitted and that claims 1 – 166 were properly before the Examiner at the time the instant application was filed.

The preliminary amendment, filed in the instant application on 6 July 2001, canceled claims 1 – 69, 72 – 99, 101 – 119, 121 – 125, 127 – 134, 137, 144 – 146, 148 – 151, 153 – 159, and 166. Thus, claims 70, 71, 100, 120, 126, 135, 136, 138 – 143, 147, 152, and 160 – 165 remained after the preliminary amendment. The second preliminary amendment, filed in the instant application on 1 October 2001, amended claims 70, 71, 100, 120, 126, 135, 138, 143, and 147 and added new claims 166 – 207. A third preliminary amendment is submitted herewith which amends the numbering of the additional claims from 166 – 207 to 167 – 208. Thus, claims 70, 71, 100, 120, 126, 135, 136, 138 – 143, 147, 152, 160 – 165, and 167 – 208 are currently pending in the instant application. A clean copy of the pending claims is submitted with the third preliminary amendment.

Respectfully submitted



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Dated: 4 June 2002